

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA**

ALI SALEH KAHLAH AL-MARRI ,

Plaintiff,

v.

ROBERT M. GATES,
Secretary of Defense of the United States,
COMMANDER JOHN PUCCIARRELLI,
U.S.N. Commander,
Naval Consolidated Brig,

Defendants.

Civil A. No. 2:05-cv-02259-HFF-RSC

**JOINT RESPONSE TO THE FIRST OF THE COURT’S MARCH 9, 2009
INTERROGATORIES REGARDING MOOTNESS**

The parties hereby jointly respond to the Court’s interrogatories of March 9, 2009, regarding questions of mootness, see Docket # 74. The Court’s order noted two recent developments: (i) the President’s executive order transferring control of plaintiff from the Secretary of Defense to the Attorney General for criminal prosecution in the Central District of Illinois, and (ii) the Supreme Court’s order in Al-Marri v. Spagone, No. 08-368, 2009 WL 564940, at *1 (Mar. 6, 2009), approving such transfer of plaintiff and vacating the Fourth Circuit’s judgment in Al-Marri v. Pucciarelli, 534 F.3d 213 (4th Cir. 2008) (*en banc*). See id. Against the backdrop of those developments, the Court made two inquiries of the parties:

- (1) Do these recent developments render moot plaintiff’s motion for interim relief? If not, please explain to what extent that motion remains before the Court?
- (2) Has plaintiff’s underlying lawsuit been rendered moot by these developments? If not, what aspects of that case remain before the Court?

Id. Under the Court’s most recent orders, see Docket ## 75, 76, the parties are to file a joint

response by noon on March 19, 2009, to the first interrogatory, and a response to the second interrogatory by March 27, 2009. Accordingly, the parties hereby submit the following joint report on the Court's first interrogatory.

1. Whether Plaintiff's Motion for Interim Relief Is Moot

Joint Position: The parties agree that plaintiff's motion for interim relief is moot.

Dated: March 19, 2009

Respectfully submitted,

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